

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-24 are pending in the present application. Claims 1-19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of Takabatake (U.S. Pat. No. 6,728,244, hereinafter, "Takabatake '244"), Claims 20-21 and 23-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 12-13, and 22-25 of Takabatake '244, and Claim 22 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 11 of Takabatake (U.S. Pat. No. 6,944,145, hereinafter "Takabatake '145").

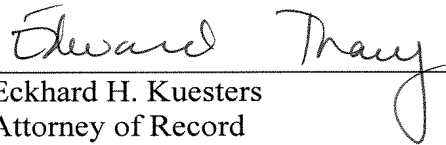
With regard to the non-statutory double patenting rejections of Claims 1-19 over Takabatake '244, Claims 20-21 and 23-24 over Takabatake '244, and Claim 11 over Takabatake '145, those rejections are respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Edward W. Tracy, Jr.  
Registration No. 47,998